THE

MEDICAL ACT,

BEING STATUTES OF THE PROVINCE OF NOVA SCOTIA, TO REGULATE THE QUALIFICATIONS OF PRACTITIONERS IN MEDICINE AND SURGERY.

PUBLISHED BY THE NOVA SCOTIA MEDICAL SOCIETY.

HALIFAX, N. S.:
BLACKADAR BROS.,
1892.

(A) The Medical Act, 1872.

An Act to regulate the qualifications of Practitioners in Medicine and Surgery.

(Passed the 18th day of April, 1872.)

Whereas, It is expedient that persons requiring medical aid should be able to distinguish qualified from unqualified practitioners:

Be it enacted by the Governor, Council, and Assembly, as follows:

1. This Act shall be known and cited as "The Nova Scotia Medical Act."

2. As soon as conveniently may be after the passing of this Act, and not later than the first day of July in the present year, the Governor-in-Council shall appoint five, and the Nova Scotia Medical Society four, regularly qualified medical practitioners of not less than seven years' standing, who, together, shall be a Board, whereof any five shall be a quorum, for the purpose of carrying out the provisions of this Act, which Board shall be known as "The Provincial Medical Board."

* * * * * *

The succeeding sections from 3 to 42 inclusive of this Act, amended and revised, are embodied in chap. 24, Rev. Stat. 5th Series.

The concluding sections of the Act are:

43. Chapter 56 of the Revised Statutes, Third Series, "Of Practitioners in Medicine and Surgery," and all other portions of the existing law inconsistent with this Act, are hereby repealed.

44. Except as herein otherwise provided this Act shall take effect upon and after the first day of May, A. D. 1873.

(B) Medical Act, 1884.

Chapter 24 of the Revised Statutes, 5th Series, "Of Practitioners of Medicine and Surgery."

(Passed the 19th day of April, A. D. 1884.)

Members of Board.

1. The Provincial Medical Board shall consist of thirteen regularly qualified medical practitioners, of not less than seven years' standing, seven nominated and appointed by the Governor-in-Council and six by the Nova Scotia Medical Society; of which Board any five shall be a quorum for the purpose of carrying out the provisions of this chapter.

Board has power to hold real and personal property.

The Board shall have power and authority to take, receive, hold and enjoy real and personal property donated, given, granted, devised, bequeathed or otherwise bestowed upon or conveyed to them, and shall hold the same in each case in trust for such purposes as may be mentioned by the donor; and if no such purpose is so mentioned, then the Board may mortgage, lease or otherwise dispose of any such property for the furtherance of the objects of the Provincial Medical Board under this chapter.

Filling of vacancies on Board.

2. Every vacancy in such Board, whether caused by death, resignation, removal from office or otherwise, shall be filled up by the body or authority who shall have nominated and appointed the person causing such vacancy, with as little delay as possible; so that, as far as practicable, the Board shall always consist of thirteen members, seven appointed by the Governor-in-Council, and six by the Nova Scotia Medical Society. In case of the dissolution of such Society, or their neglect or refusal to fill up a vacancy, which they are empowered and directed by this section to supply, within three months after such vacancy shall have been caused, the remaining members of the Provincial Medical Board shall nominate and appoint a properly qualified person to fill such vacancy, in the place and stead of the Nova Scotia Medical Society. In case of a similar neglect or refusal on the part of the Governor-in-Council, the Board shall have and exercise the like power.

Proviso.

Provided that no person shall be capable of being appointed to such Board who shall not have the qualifications prescribed in the last preceding section.

Appointment of Secretary.

3. The Provincial Medical Board, or a majority of the members composing the same, shall appoint from time to time a regularly qualified medical practitioner, resident at Halifax, to act as Secretary of the Board, who shall attend the meetings of the Board, and keep a record of the proceedings of the same in a book or books, to be by him provided for that purpose, together with all such matters and things as to the Board shall appertain.

Secretary to be also Registrar.

4. The Secretary shall also be the Registrar of the Provincial Medical Board, and shall be paid such salary, out of the moneys to be received as hereinafter provided, as the Board shall, with the approval of the Governor-in-Council, determine.

Publication of Medical Register.

5. The Registrar of the Board shall, before the first day of August in every year, cause to be printed and published in the "Royal Gazette" of this Province, and in such other manner as the Board shall appoint, a correct register of the names in alphabetical order according to the surnames, with the respective residences (in the form set forth in Schedule A to this chapter, or to the like effect), and medical titles, diplomas and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the thirtieth day of June in such year; and such register shall be called "The Medical Register;" and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this chapter; and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this chapter. Provided, always, that in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the Registrar of the Board, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this chapter.

Copies of such Register to be evidence.

Preliminary examination.

6. Hereafter no person shall begin or enter upon the study of physic, surgery, or midwifery, for the purpose of qualifying himself to practise the same in this Province, unless he shall have obtained from the Provincial Medical Board a certificate that he has satisfactorily passed a

matriculation or preliminary examination in the subjects specified in Schedule B to this chapter.

Qualifications for matriculation examination.

7. No candidate shall be admitted to such matriculation or preliminary examination unless he shall have at least fourteen days previous to such examination given notice to the Registrar of the Board of his intention to present himself for such examination, and transmitted to the Registrar a certificate showing that he has completed his sixteenth year; and shall before the examination have paid a fee of ten dollars to the Registrar.

Practitioners' name must be entered in Registry Book and license procured.

8. Subject to the exceptions hereinafter made no person shall practise physic, surgery, or midwifery in Nova Scotia, unless his name shall be registered in the book of registry of the Provincial Medical Board, and unless he shall have received from such Board a license to practise.

Qualification for person before he can register his name and procure license to practice.

9. No person shall be entitled to have his name entered on the register of the Provincial Medical Board, or to receive a license to practise from such Board, unless he shall satisfy the Board that he has passed the matriculation or preliminary examination; that after passing such examination he has followed his studies during a period of not less than four years (one of which may be under the direction of one or more general practitioners duly licensed); that during such four years he has attended at some Univerisity, College, or Incorporated School of Medicine in good standing courses of lectures, amounting together to not less than twelve months, on general Anatomy, on practical Anatomy, on Surgery, on the Practice of Medicine, on Midwifery, on Chemistry, on Materia Medica and Pharmacy, and on the Institutes of Medicine or Physiology, and one three months' course of Medical Jurisprudence; that he has attended the general practice of an Hospital, in which there are contained not less than fifty beds under the charge of not less than two Physicians or Surgeons, for a period not less than one year, or two periods of not less than six months each; that he has also attended two three months' courses, or one six months' course, of Clinical Medicine, and the same of Clinical Surgery; that he has, after examination in the subjects of the course, obtained a degree or diploma from such University, College, or Incorporated Medical School; for want of such degree or diploma, that he has satis-

factorily passed an examination in the various branches hereinbefore specified before examiners to be appointed by the Provincial Medical Board: that he is not less than twenty-one years of age; and that he has paid to the Registrar of the Board a fee of twenty dollars. Provided, that the Provincial Medical Board shall have power, subject to the approval of the Governor-in-Council, to make such alterations in the foregoing curriculum as may from time be required. Proviso.

10. The last preceding section shall not apply to any person in actual practice, and duly registered under the provisions of Chapter 56 of the Revised Statutes, Third Series, who shall be entitled to be registered and to receive a license to practise under this chapter without payment of any fee; and, notwithstanding the provisions of such section, any person upon producing to the Provincial Medical Board conclusive evidence that he has passed a Matriculation or Preliminary Examination such as is required by this chapter for persons beginning their medical studies in Nova Scotia: that he has, before graduating or taking a diploma, studied for at least four years in the manner provided in section 9 of this chapter, or pursued what the Board shall deem an equivalent course of study: and has passed a final examination in the subjects of such course: or, for the want of any of such requisites shall have fulfilled such conditions as the Board may determine; and shall pay a fee of twenty dollars: shall be entitled to be registered and to receive a license to practise. Last preceding section not to apply in certain cases.

11. Notwithstanding anything to the contrary in this chapter contained any person who shall have begun his medical studies before the first day of May, 1880, and who has otherwise complied with the requisites of this chapter shall, notwithsanding that he may not have passed the Matriculation or Preliminary Examination required by this Act, be entitled to be registered and receive a license to practise, provided that such person shall apply for such license and register before the first day of January, A. D. 1885, after which date this section shall cease and determine. Any person obtaining registration under this section shall have the fact recorded in the official register that he has been so registered without having passed such matriculation or preliminary examination, and any certificate or announcement, written or printed and published Provision in case person who has begun medical study before first of May, 1880, has not passed matriculation examination. Such person to apply before first of January, 1885. Registration of such person.

of such registration issued by the Registrar of the Medical Board, shall explicitly state that fact.

Powers and duties of Provincial Medical Board.

12. The Provincial Medical Board shall have power and it shall be their duty :

1·. To elect a President and such other officers, including the Secretary and Registrar hereinbefore provided for, as may be necessary to the working of this chapter ;

2·. To regulate the study of Medicine, Surgery and Midwifery ; by making rules not inconsistent with this chapter, with regard to the Preliminary qualification, course of study to be followed, the final examination, and the nature of the evidence to be produced before the Board upon these subjects ;

3·. To appoint fit and proper persons to conduct the preliminary or matriculation examinations ; to decide upon the times for holding such examination ; and to fix the remuneration, if any, to be paid to such examiners :

4·. To examine all degrees, diplomas, licenses, and other credentials presented or given in evidence under this chapter, for the purpose of enabling the owner to practise in Nova Scotia : and to oblige the owner of such credentials to attest on oath or by affidavit that he is the person whose name is mentioned therein, and that he became possessed thereof honestly ;

5·. To cause every member of the profession practising in Nova Scotia to enregister his name, age, place of residence, place of nativity, the date of his license or diploma, and the place where he obtained it, in the registry of the Board ;

6·. To make orders, regulations and by-laws for regulating the registers to be kept under this chapter ;

7·. To make all such rules, regulations and by-laws for carrying this chapter into effect as the Board shall deem proper or necessary ; which rules, regulations and by-laws shall not be inconsistent with this chapter ; and may be disallowed by the Governor-in-Council ;

8·. To appoint as many medical examiners, to hold final examinations when necessary, as the Board shall deem proper; such examiners to be regularly qualified practitioners of not less than five years' professional standing and three years' residence in this Province. Members of the Provincial Medical Board may be appointed as such examiners.

Rules to remain in force.

13. The rules and regulations, if any, as to the times and places of the meetings of the Board and the mode of summoning the same already made by the Board shall remain in force until altered at any subsequent meeting. In the absence of any rule or regulation as to the summoning of future meetings of the Board, it shall be lawful for the President thereof to summon the same at such time and place as to him shall seem fit, by circular letter to be mailed to each member; provided, always, that at least ten days' notice of such meeting shall be given. In the event of the absence of the President from any meeting some other member, to be chosen from among the members present, shall act as President. All acts of the Board shall be decided by the majority of the members present, the whole number not being less than five. At all meetings the President for the time being shall have a casting vote only.

Meetings.

Moneys.

14. All moneys forming part of the funds of the Board shall be paid to the Treasurer, and shall be applied to carrying this chapter into execution.

Duties of the Registrar.

15. It shall be the duty of the Registrar to keep his register correct, in accordance with the provisions of this chapter, and the rules, orders and regulations of the Provincial Medical Board, and to erase the names of all registered persons who shall have died, left the Province without any intention of returning, or ceased to practice for a period of five years; and he shall from time to time make the necessary alterations in the address or qualifications of the persons registered under this chapter. Provided, always, that the name of any person erased from the register shall be restored by order of the Board, upon sufficient cause duly shown to that effect.

Persons entitled, but neglecting to register.

16. Any person entitled to be registered under this chapter, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges

conferred by the provisions of this chapter, so long as such neglect or omission shall continue.

Persons adopting, or refusing to adopt, the practice of any particular theory of medicine.

17. No person, otherwise fully qualified under this chapter, shall be refused registration or a license to practice on account of his adopting or refusing to adopt the practice of any particular theory of medicine or surgery. In case of such refusal by the Board, the party aggrieved shall have the right to appeal to the Governor-in-Council, who, upon due cause shown, shall issue an order to the Board to register the name of such person and to grant him a license to practice.

Evidence of qualification to be given before registration.

18. No qualification shall be entered on the Register, either on the first registration, or by way of addition to a registered name, unless the Registrar shall be satisfied, by the proper evidence, that the person claiming is entitled to it; and any appeal from the decision of the Registrar may be decided by the Board; and any entry which shall be proved to the satisfaction of the Board to have been fraudulently or incorrectly made, may be erased from the Register by order, in writing, of the Board.

Fraudulent entry may be erased.

Practitioner convicted of felony.

19. Any medical practitioner who shall have been convicted of any felony in any court, or shall, after due enquiry, be judged by the Board to have been guilty of infamous conduct in any professional respect, shall thereby forfeit his right to registration; and his name shall, if registered, by the direction of the Provincial Medical Board be erased from the register.

Person obtaining higher degree than that registered.

20. Every person registered under this chapter who may have obtained any higher degree or qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of such fee as the Board may appoint.

Privileges of registered persons.

21. Every person who shall be registered under the provisions of this chapter shall be entitled, according to his qualification or qualifications, to practice Medicine, Surgery and Midwifery, or either or any of them, as the case may be, in Nova Scotia, and to demand and recover in any court of law reasonable charges for professional

aid, advice and visits, and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients.

None but registered persons to recover charges.

22. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine or any other medical or surgical appliances which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this chapter, provided, always, that this clause is not intended to interfere with the sale by qualified druggists or chemists of articles properly belonging to their business.

Proviso.

Meaning of certain terms.

23. The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of the legislature, or legal or public document, shall be construed to mean a person registered under this chapter.

Unregistered persons not to hold certain appointments.

24. No person shall be appointed as medical officer, physician or surgeon in any branch of the public service, or in any hospital or other charitable institution, unless he be registered under the provisions of this chapter.

No certificate to be valid unless person signing be registered.

25. No certificate required by any Act now in force or that may hereafter be passed, from any physician or surgeon or medical practitioner shall be valid, unless the person signing the same shall be registered under this chapter.

Penalty for practising without registration, etc.

26. If any person not registered or licensed under the provisions of this chapter practises Physic, Surgery or Midwifery for hire, gain or hope of reward, or wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this chapter, or who professes by public advertisement, card, circular, sign or otherwise to practise Physic, Surgery or Midwifery, or to give advice therein, or in anywise to lead people to infer that he is qualified to practise Physic, Surgery or Midwifery in this Province, he shall forfeit and pay the sum of twenty dollars for each day that he so practices or leads people to infer that he is practising.

Recovery and application of penalties.

27. Any sum forfeited under the next preceding section shall be recoverable with costs, and may be sued for and recovered in the same manner as a private debt, by the Provincial Medical Board, or any registered practitioner, in any of the courts of the Province, having jurisdiction in actions of assumpsit to the extent of eighty dollars or upwards, and being recovered shall belong to the Board for the use thereof under this chapter, provided that where the information leading to such recovery shall have been given by any person unconnected with the medical profession such person shall be entitled to receive one half of the sum so recovered.

Defendant must prove right to practise.

28. Upon the trial of such cause, the burden of proof as to the license or right of the defendant to practise Physic, Surgery or Midwifery in Nova Scotia, shall lie upon the defendant.

Penalty for wilful falsification of register.

29. If the Registrar make or cause to be made any wilful falsification in any matters relating to the register, he shall forfeit a sum not less than one hundred dollars, to be recovered as hereinbefore provided as to persons practising illegally.

Penalty for obtaining Registation by false representations.

30. If any person shall willfuly procure or attempt to procure himself to be registered under this chapter by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, every such person so doing, and every person knowingly aiding and assisting him therein, shall forfeit and pay a sum not less than one hundred dollars, to be recovered as a private debt as hereinbefore provided.

Penalty for falsely pretending to be a registered person.

31. Any person who shall wilfully and falsely pretend to be or take or use any name, title, addition or description implying that he is registered under this chapter, shall forfeit and pay a sum not exceeding one hundred dollars, to be sued for, recovered, and appropriated as provided in section 27.

No suit after one year.

32. No suit shall be commenced under this chapter after one year from the date of the offence or cause of action.

33. Nothing in this chapter shall prevent any competent female from practising midwifery in Nova Scotia; except that any such female must satisfy the Provincial Medical Board of her competency, and obtain a certificate from the Registrar to that effect, before she can lawfully practise as aforesaid in the City of Halifax.

Females may practise midwifery.

Proviso as to the City of Halifax.

34. Nothing in this chapter shall prevent any person from giving necessary medical or surgical aid or attendance to any one in urgent need of it; provided, that such aid or attendance is not given for hire or gain, nor the giving of it made a business or way of gaining a livelihood by such person.

This chapter not to prevent any person giving medical aid in certain cases.

35. The members of the Provincial Medical Board appointed by or on behalf of the Governor-in-Council shall hold office during good behaviour or until voluntary resignation, and the members appointed by or on behalf of the Nova Scotia Medical Society, for three years from the date of appointment, or until voluntary resignation before the expiration of such three years. Provided, that it shall be lawful for the Governor-in-Council to remove any member of the Provincial Medical Board upon an address of three-fourths of such Board, and due cause shown.

Term of office of members of Provincial Medical Board.

Proviso.

36. Every person resident in the Province, and who shall have practised therein previous to the first day of January, A. D. 1850, shall, on proof of that fact, have his name registered, and receive a license to practise under this chapter.

Persons practising in the Province, previous to 1850, entitled to be registered.

37. Any person while employed on actual service in Her Majesty's naval or military service as physician or surgeon, may practise Physic, Surgery or Midwifery in Nova Scotia with registry or license.

Naval and Military physicians or surgeons may practise in province, etc.

38. The Provincial Medical Board shall hold a meeting in the City of Halifax every year, at which annual meeting they shall have power to appoint examiners, fix the times of examinations, and transact all business arising out of this chapter; and any such meeting may be continued by adjournment from day to day until the business before the Board be finished; but no such meeting shall be so continued by adjournment beyond the Saturday of the week in which the sitting commences.

Annual meetings of Board, proceedings, etc.

The Board shall also have power and it shall be their duty to hold such other meetings as may be necessary, at which meetings they shall have the powers and duties herein conferred and imposed upon the Board at the annual meetings.

Books, etc., open to examination.

39. The books and accounts of the Board shall at all time be open to the examination of such persons as the Governor-in-Council shall appoint to inspect the same, and of all members of the Board; and the accounts shall be annually published or laid before the Provincial Secretary.

Filling vacancies in Medical Board.

40. The Provincial Medical Board shall, immediately upon the creation of a vacancy therein, communicate the fact to the Governor-in-Council or to the Nova Scotia Medical Society, according as such vacancy shall be to be filled up by one or the other of those bodies; and shall also notify either of such bodies of any other business requiring the attention of the same under this chapter.

SCHEDULE A.

NAME.	AGE.	RESIDENCE.	QUALIFICATIONS.
A. B.	23	Halifax.	M. D. College of Physicians, New York, 12th July, 1864.
C. D.	29	Windsor, Hants County.	L. R. C. S. E., 1862.

SCHEDULE B.

Uniform standard of Matriculation or Preliminary Examination established under this chapter.

Compulsory: English Language, including Grammar, composition and writing from dictation: Arithmetic, including vulgar and decimal fractions and the extraction of the square root: Algebra, to the end of simple equations: Geometry, the first three books of Euclid: Latin, one book—translation and grammar. Elementary mechanics of solids and fluids.

And one of the following *optitional* subjects: History of England, with questions in Modern Geography. French translation: German translation: one Greek book: History of Nova Scotia: History of the Dominion of Canada.

(C) Chapter 18, Acts 1886.

An Act to amend chapter 24, Revised Statutes, 5th Series, "Of Practitioners of Medicine and Surgery."

(Passed the 11th day of May, A. D. 1886)

Be it enacted by the Governor, Council, and Assembly, as follows:

Section 11 of chapter 24 of the Revised Statutes, Fifth Series, is hereby amended by striking out the last sentence thereof, that is to say, all the words after the word "determine" in the 11th line of said section.

(D.) APPENDIX.

1. With the approval of the Governor-in-Council Therapeutics and Hygiene have been added to the Medical Curriculum prescribed in section 9 of chapter 24, for candidates preparing for registration as medical practitioners in Nova Scotia, who have begun study after Jan. 1, 1892. The clause in said section, so far as these subjects are concerned, to read as follows:

"That during such four years he has attended * * * * * courses of lectures, amounting together to not less than 12 months * * * * * * on Materia Medica, *Therapeutics* and Pharmacy * * * * * * and one three months' course of Medical Jurisprudence and *Hygiene*.

2. With the approval of the Governor-in-Council the *uniform standard of matriculation examination*, as established under Schedule B. of chapter 24 was amended August 20, 1889, and again April 20, 1891. In accordance with the latter amendment the requirements for the matriculation examination after January 1st, 1892, shall be as follows:

COMPULSORY.

English Language—Including Grammar, Composition and Writing from Dictation.

Arithmetic—Including Vulgar and Decimal Fractions, and the Extraction of the Square Root.

Algebra—To the end of Simple Equations.

Geometry—Euclid, Books I, II, III, with easy questions on the subject matter of the same.

Latin—Including Grammar, Translation from specified Authors, and translation of easy passages not taken from such Authors.

Elementary Mechanics of Solids and Fluids.

OPTIONAL.

One of the following subjects, viz. :

History of British America—With questions in Modern Geography.

History of England—With questions in Modern Geography.

French—Translation and Grammar.

German—Translation and Grammar.

Greek—Translation and Grammar.